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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION ONE

In re the Marriage of WAYNE TONY  
WOLCOTT and MARITES FERMIN-  
WOLCOTT.

WAYNE TONY WOLCOTT,

Respondent,

v.

MARITES FERMIN-WOLCOTT,

Appellant.

A144938

(Contra Costa County  
Super. Ct. No. MSD 13-03580)

**MEMORANDUM OPINION<sup>1</sup>**

Marites Fermin-Wolcott (Wife) appeals from an order after trial finding the family dog is community property and awarding the dog to Wayne Tony Wolcott (Husband). We affirm.

Husband filed a petition for dissolution of marriage in July 2013. Following a settlement conference, the parties reached a stipulated agreement on all matters, with the exception of the disposition of Sage, the family dog. A two-hour trial was held in January 2015, at which time the court heard testimony from Wife and Genesis Fermin, Wife's daughter from a previous relationship.

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<sup>1</sup> We resolve this case by a memorandum opinion pursuant to California Standards of Judicial Administration, section 8.1(1), (3).

On March 3, 2015, the trial court issued an order finding that neither Wife nor Husband had established the dog was their separate property. The court concluded the dog was therefore a community property asset subject to equal division. As Wife had sole use and possession of the dog since July 2013, the court awarded the dog to Husband.

Wife now argues the trial court erred in finding the dog is community property, since licensing records purportedly show that its true owner is Genesis. According to Wife, Genesis adopted the dog and registered the animal with local authorities under her own name. Wife contends these facts are dispositive, and the trial court failed to consider them when rendering its decision.

Wife cites to nothing in the record to support her arguments. Indeed, Wife's appellate briefing is entirely devoid of record citations. Nor does an independent review of the record help Wife's cause. The appellate record consists solely of the register of actions, the order on appeal, Wife's notice of appeal, the designation of the record on appeal, and a proof of service. The trial in this matter was not reported, and Wife has elected to proceed without a transcript or a settled statement.

In light of this slim record, we cannot conclude the trial court's findings are contrary to the evidence. As Wife's appeal is based solely on the register of actions and the trial court's order, "every presumption is in favor of the validity of the judgment and all facts consistent with its validity will be presumed to have existed. The sufficiency of the evidence is not open to review. The trial court's findings of fact and conclusions of law are presumed to be supported by substantial evidence and are binding on the appellate court, unless reversible error appears on the record." (*Bond v. Pulsar Video Productions* (1996) 50 Cal.App.4th 918, 924.)

Accordingly, the trial court's order regarding the dog is affirmed. Costs to Husband.

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Margulies, J.

We concur:

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Humes, P.J.

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Banke, J.

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*In re Marriage of Wolcott & Fermin-Wolcott*